



Entered on Docket  
October 13, 2009

A handwritten signature in black ink, appearing to read "L. B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINETEENTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED,  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BAY POMPANO  
BEACH LOAN**

Hearing Date: October 5, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

**EXHIBIT A**

1 The Court having considered the “Nineteenth Omnibus Objection of USACM Trust  
2 to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano  
3 Beach Loan” [Docket No. 7441] (the “Objection”); with appropriate notice of the  
4 Objection having been given; no responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general  
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted  
9 Principal. The remainder of those claims are disallowed to the extent  
10 they are based upon a Direct Lender investment in the Bay Pompano  
11 Beach Loan as shown on **Exhibit A**; and
- 12 3. To the extent the claims listed on **Exhibit A** are based upon  
13 investments in loans other than the Bay Pompano Beach Loan, this  
14 order does not affect them and the USACM Trust may file further  
15 objections.
- 16

17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

20 Rob Charles

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*Attorneys for USACM Liquidating Trust*

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- to respond, as indicated below (list each party and whether the party has
- approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ###

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ Marvin Ruth (#10979)

18 Rob Charles

19 John Hinderaker

20 Marvin Ruth

21 *Attorneys for USACM Liquidating Trust*

USACM Liquidating Trust  
**PROOFS OF CLAIM BASED UPON INVESTMENT IN THE BAY POMPANO BEACH  
 LOAN  
 NINETEENTH OMNIBUS OBJECTION**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Total Claim Amount Relating to Bay Pompano Beach Loan</b>	<b>Unremitted Principal to be Allowed as Claim</b>	<b>Approximate Amount Subject to Objection</b>
10725-02236	Addy, Ronald M & Priscilla K	Po Box 9550 Bend, OR 97708- 9550	-	Unknown	-	Unknown
10725-00076	Quinn, Edward & Darlene	660 Nw Brookhaven Dr Lee`S Summit, MO 64081	156,388.48	Unknown	-	Unknown